

**TOWN OF DUDLEY
ANNUAL FALL TOWN MEETING
NOVEMBER 2, 2015**

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Shepherd Hill High School Auditorium on Monday, November 2, 2015. After the Pledge of Allegiance to the Flag, the Moderator made announcements regarding school grounds policy and proper decorum at a town meeting. The Town Clerk read the service of the warrant.

ARTICLE 1: Unanimously accepted to receive the reports of the several Town Officers and all Committees.

ARTICLE 2: Unanimously accepted to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 3 with the money to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 3: Unanimously accepted to transfer from Free Cash the sum of \$179,461 to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2016 voted under Article 4 of the May 18, 2015 Annual Town Meeting.

<u>Budget</u>		<u>Amount</u>
Municipal Buildings – Energy	\$	50,000.00
Treasurer/Collector Asst. Salary	\$	19,840.00
Bay Path Regional Assessment	\$	18,064.00
Treasurer/Collector Group Insurance	\$	16,000.00
Town Clerk - Assistant Salary	\$	6,147.00
Tree Warden Expenses	\$	5,000.00
Town Administrator Expenses	\$	3,435.00
Fire Chief Salary	\$	2,241.00
BOS Admin. Asst. Salary	\$	2,129.00
Town Accountant Salary	\$	1,341.00
BOS Floater	\$	1,000.00
Building Dept. Admin Salary	\$	972.00
Building Dept Expenses	\$	500.00
Library Expenses	\$	17,792.00
Out of District Vocational Students (tuition & transportation)	<u>\$</u>	<u>35,000.00</u>
Total	\$	179,461.00

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 4 with the total sum of \$8,813.78 be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 4: Unanimously accepted to transfer from Free Cash to supplement the Beach Gift Account (#0704-000-5784-00) the sum of Six Hundred Forty Three Dollars and Seventy Eight Cents (\$643.78) for Fiscal Year 2016 and Eight Thousand One Hundred Seventy Dollars (\$8,170.00) for continued operation of the Town Beach, including salaries and expenses.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 5 with the sum of \$1,981.13 to be transferred from Free Cash, \$772.45 to be transferred from Water Retained Earnings and \$638.85 to be transferred from Sewer Retained Earnings; the motion was seconded and accepted unanimously.

Scrivener's error noted: The amount to be paid to Rob's Automotive is \$138.50.

ARTICLE 5: Unanimously accepted to transfer the following amounts: \$1,981.13 from Free Cash, \$772.45 from Water Retained Earnings and \$638.85 from Sewer Retained Earnings for a total sum of Three Thousand Three Hundred Ninety Two Dollars and Forty Three Cents (\$3,392.43) to pay unpaid bills of a prior year.

Water Department – Webco -	\$ 90.00
Webco -	\$ 90.00
Webco -	\$ 90.00
Webster Electric -	\$ 19.95
Police Dept. -	\$ 172.00
Police Dept. -	\$ 172.00
Rob's Automotive -	<u>\$ 138.50</u>
<i>Total from Water Retained Earnings -</i>	<i>\$ 772.45</i>

Telegram/Gazette -	\$106.50
Northeast Pump -	<u>\$532.35</u>
<i>Total from Sewer Retained Earnings -</i>	<i>\$638.85</i>

N.E. Office Supply -	\$ 458.37
Casella Waste -	\$ 65.00
Performance Graphics -	\$ 97.00
Peterson Oil -	\$1,240.01
Performance Graphics -	\$ 84.00
Stonebridge Press -	<u>\$ 36.75</u>
<i>Total from Free Cash</i>	<i>\$1,981.13</i>

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 6 with the sum of \$4,000 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 6: Unanimously accepted to transfer from Free Cash the sum of Four Thousand Dollars (\$4,000) to fund Dudley's portion of the Intermunicipal Agreement for participation in the Central Massachusetts Regional Stormwater Coalition for Fiscal Year 2016.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 7 with the sum of \$23,000 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 7: Unanimously accepted to transfer from Free Cash a sum of Twenty Three Thousand Dollars (\$23,000) to fund one third (1/3) of the cost of triennial re-certification of real estate and personal property values for FY2018 as required by the Commonwealth's Department of Revenue.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 8 with the sum of \$8,300 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 8: Unanimously accepted to transfer from Free Cash the sum of Eight Thousand Three Hundred Dollars (\$8,300) for dam inspections and Phase 1 Reports for Merino Pond and Wallis Pond Dams as required by the Massachusetts Office of Dam Safety.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 9 with the sum of \$4,995 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 9: Unanimously accepted to transfer from Free Cash the sum of Four Thousand Nine Hundred Ninety Five Dollars (\$4,995) for repairs to the existing generator at the Fire Department.

FAA Chairman Kerry Cyganiewicz made a motion to borrow the sum of \$159,300 in accordance with MGL Chapter 44 §7(3)(9A) for the purposes of funding Article 10 and authorize the Town Treasurer with the approval of the Board of Selectmen to issue bonds or notes for the purposes stated herein. The motion was seconded.

The Moderator called for discussion and then recognized Town Administrator Greg Balukonis. Mr. Balukonis addressed the voters and explained that the items being voted on were part of the larger Fire Station project debt exclusion question that was listed in Article 10 of the May 18, 2015 Spring Annual Town Meeting. There will be no debt exclusion ballot question associated with this and will be paid for through existing town revenues.

The Moderator called for a vote and the motion was unanimously accepted.

ARTICLE 10: Unanimously accepted to borrow the sum of One Hundred Fifty Five Thousand Dollars (\$155,000) to remount Fire/EMS Ambulance (A-2), and Four Thousand Three Hundred Dollars (\$4,300) to make improvements to the Fire Station Vehicle Exhaust system.

FAA Chairman Kerry Cyganiewicz made a motion to pass Article 11 over for further information. The motion was seconded and accepted unanimously.

ARTICLE 11: Passed Over for Further Information by unanimous vote to raise and appropriate, borrow or transfer from available funds the sum of money up to Sixteen Thousand (\$16,000) to cover costs associated with furniture and upgrades to the area formally known as the Dispatch Center.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 12 as written and that the sum of \$84,577.40 to be transferred from the Capital Improvement Stabilization Fund and \$39,346.71 be transferred from Free Cash. The motion was seconded and unanimously accepted.

The Moderator recognized Town Administrator Greg Balukonis who stated that the intent of Article 12 was to pay off items that were previously authorized by town meeting so this is not new equipment that the tax payers would be paying for. What the town is doing is paying cash; the town is going for long term borrowing on these items but rather paying off the items that we can as soon as possible.

The Moderator asked if there was any further discussion; seeing none he called for a vote.

ARTICLE 12: Unanimously accepted to transfer from the Capital Improvement Stabilization Fund the sum of Eighty Four Thousand Five Hundred Seventy-Seven Dollars and Forty Cents (\$84,577.40) and transfer from Free Cash the sum of Thirty Nine Thousand Three Hundred Forty Six Dollars and Seventy One Cents (\$39,346.71) for paying the cost of borrowing, including principal and interest, for the following: Sixty Three Thousand Eight Hundred Forty Seven Dollars and Thirty One Cents (\$63,847.31) for a Highway Department Dump Truck and Plow; Twenty Three Thousand Eight Hundred Seventy Nine Dollars and Ninety Cents (\$23,879.90) for a Backhoe, and: Thirty Six Thousand One Hundred Ninety Six Dollars and Ninety Cents (\$36,196.90) Police Cruiser.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 13 as written and that the sum of \$1,000 to be transferred from the Youth Commission; the motion was seconded and unanimously accepted.

ARTICLE 13: Unanimously accepted to establish a Recreation Committee consisting of seven (7) members appointed by the Board of Selectmen to pursue programs and services which are designed to meet recreational opportunities for Dudley residents, and to accept gift and donations for the same purpose, and further to transfer the sum of One Thousand Dollars (\$1,000) from the Youth Commission appropriation (0419-000-5783-00) to assist the Committee.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 14 as written and that the sum of \$39,750 to be transferred from Free Cash; the motion was seconded and unanimously accepted.

ARTICLE 14: Unanimously accepted to transfer from Free Cash the sum of Thirty Nine Thousand Seven Hundred Fifty Dollars (\$39,750) to fund a deficit in the Fiscal Year 2015 the Snow/Ice Removal Account (#0001-423-5700-02).

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 15 as written and that the sum of \$100,000 to be transferred from Free Cash; the motion was seconded and was unanimously accepted.

The Moderator called for discussion and then recognized Town Administrator Greg Balukonis. Mr. Balukonis addressed the voters and explained that the current balance in the Stabilization Fund was \$291,456. It is the goal of the administration to increase that amount over the next two years to around \$500,000. That is consistent with the amount that was in the Stabilization Fund at its highest point which was ten years ago when the Town had \$556,000 in its Stabilization account. This is the town's rainy day savings account. Mr. Balukonis also mentioned that none of the Stabilization money was used to balance the budget this year.

The Moderator called for the vote.

ARTICLE 15: Unanimously accepted to transfer from Free Cash the sum of One Hundred Thousand Dollars (\$100,000) to be added to the Stabilization Fund.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 16 with the sum of \$11,500 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 16: Unanimously accepted to transfer from Free Cash the sum of Eleven Thousand Five Hundred Dollars (\$11,500) to be added to the Selectmen budget to fund merit increases for department heads and non-union employees for Fiscal Year 2016.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 17 as written with the sum of \$30,000 to be transferred from Highway Department Road Machinery Fund Account; the motion was seconded and accepted unanimously.

ARTICLE 17: Unanimously accepted to transfer from the Highway Department Road Machinery Fund (#0406-000-5780-00) the sum of Thirty Thousand Dollars (\$30,000) for the purchase of a new 1 ton pickup truck with a plow.

FAA Chairman Kerry Cyganiewicz made a motion to pass over Article 18; the motion was seconded and accepted unanimously.

ARTICLE 18: Passed Over by unanimous vote to transfer from free cash the sum of Thirty Three Thousand Dollars (\$33,000) to the Highway Road Maintenance Account (#0001-420-5740-02).

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 19 with the sum of \$10,000 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 19: Unanimously accepted to transfer from Free Cash to the sum of Ten Thousand Dollars (\$10,000) for the purchase of new tires for trucks and loaders.

Selectman Steven Sullivan made a motion to amend Article 20 by deleting the words ~~enter into~~ and replacing them with the word *negotiate*. Selectmen Sullivan told the voters that this would allow the Board of Selectmen to bring a negotiated agreement back before the voters at town meeting for final approval.

The motion to amend was seconded and unanimously accepted.

ARTICLE 20: Unanimously accepted as amended to authorize the Board of Selectmen to negotiate a payment in lieu of taxes agreement, said agreement not to exceed 20 years duration and subject to other terms and conditions the Selectmen deem appropriate, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes relative to land located at the intersection of Center Road and Farley Road; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 1.3 megawatts and to be executed with Nexamp, Inc. or its successor.

The FAA deferred the recommendation of Article 21 to the Board of Selectmen. Selectman Sullivan made a motion to accept Article 21 as written; the motion was seconded. Selectman Sullivan deferred to Police Chief Wojnar for further explanation.

Chief Wojnar told the voters that it was necessary to accept Article 21 because there was a court decision that invalidated most our Sex Offender Residency by-law and similar by-laws throughout the State; the State Supreme Court deemed these by-laws invalid. The recommendation of the Attorney General was that anyone who had these by-laws should strike them from their records because they are all basically unenforceable and invalid.

The Moderator recognized Town Counsel who stated that one of the reasons that the Court struck down a similar provision in the City of Lynn was because there is a comprehensive State Statute which was adopted in 1999 referred to as the Sex Offender Registry Act. The Court determined in the case of the City of Lynn that the local ordinance was a conflict with the State Statute and that this Statute protects citizens of all 351 cities and towns. There are approximately 40 communities whose by-laws and ordinances were affected and essentially rendered invalid by this Supreme Judicial Court decision.

Seeing no further discussion, the Moderator called for a vote; the motion to repeal the Sex Offender Residency by-law was unanimously accepted.

ARTICLE 21: Unanimously accepted to repeal Article 44 of the Dudley Bylaws, Sex Offender Residency in its entirety.

FAA Chairman Kerry Cyganiewicz made a motion to pass over Article 22; the motion was seconded and accepted unanimously.

The Moderator recognized Town Clerk Ora E. Finn who explained that the by-law change was not needed because the \$50 penalty for failure to license a dog would be assessed through the local District Court by using the process on Non-Criminal Disposition and in accordance with MGL Chapter 140, Section 141.

ARTICLE 22: Passed Over by unanimous vote to amend Town By-Law Article 27, section 3, paragraph J by increasing the fine for unlicensed dogs as follows: Any owner or keeper of a dog failing to license by June 15th in any year shall be subject to a fine of Fifty Dollars (\$50.00) per dog in addition to the license fee upon the complaint of the Animal Control Officer or Town Clerk.

The Moderator recognized Planning Board Chairman Guy Horne to speak on Article 23. Chairman Horne addressed the voters and said that after discussion with Town Counsel it was agreed that this article should be remanded to the Planning Board for further discussion and to incorporate all sections of the by-law. Chairman Horne made a motion to remand Article 23 to the Planning Board; the motion was seconded and unanimously accepted.

ARTICLE 23: Remanded to the Planning Board by unanimous vote to amend the Zoning Bylaw Section 3.12.02 – Applicability, by inserting in place thereof the following:

Large Scale Solar Power Generation or Photovoltaic Installations are prohibited in Residential Districts 10, 15, 30 and 87, Commercial District Business 15, Light Industrial District 43 and 87, Conservation District and Floodplain District. Large Scale Solar Power Generation or Photovoltaic Installations are allowed as of right in the Industrial Districts of 43 and 130 and the Town Refuse Disposal District.

This bylaw is not intended to regulate systems of less than 250 KW or roof-top mounted systems. It is not intended to regulate systems that are consumptive power systems where all power that is generated is utilized to power onsite operations.

The FAA deferred the recommendation of Article 24 to the Board of Selectmen. Selectman Sullivan made a motion to accept Article 24 as written; the motion was seconded and unanimously accepted.

ARTICLE 24: Unanimously accepted, pursuant to MGL c. 40, §4, to authorize the Board of Selectmen and the Chief Procurement Officer to enter into a renewal of its contract with Constellation New Energy, Inc. for the purchase of electricity, for a period from 12 to 24 months, upon such terms and conditions as the Board of Selectmen and Chief Procurement Officer deem to be in the best interest of the Town of Dudley.

The Moderator stated that there was a scrivener's error in Article 25 and that there are six (6) town ledgers and not eight (8).

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 25 with the sum of \$11,447 to be transferred from Free Cash; the motion was seconded and accepted unanimously.

ARTICLE 25: Unanimously accepted to transfer from Free Cash the sum of Eleven Thousand Four Hundred Forty Seven Dollars (\$11,447) for archival preservation of six (6) town ledgers as follows:

Ledger 1874-1888	\$2,450.00
Selectmen's Records and Miscellaneous 1888-1913	\$2,303.00
Taxes 1850-59/60	\$1,974.00
Taxes 1840-1850	\$1,750.00
Registrar of Voters	\$ 725.00
Registrar of Voters	\$ 750.00
Subtotal	\$9,952.00
Scanning	\$ 1,435.00
Shipping/Handling	\$ 60.00
Total Project	\$11,447.00

Chairman Steven Sullivan made a motion to adjourn. The motion was seconded and unanimously accepted.

Brought to order at 7:07 p.m.
Adjourned: 7: 45 p.m.
Voters Present: 86
Action Taken on Articles: 1-25

A True Copy.

Attest: 
Ora E. Finn, CMMC, Dudley Town Clerk